

This record is a partial extract of the original cable. The full text of the original cable is not available.

id: 20794
date: 9/20/2004 22:44
refid: 04BOGOTA9526
origin: Embassy Bogota
classification: SECRET//NOFORN
destination: 04BOGOTA7901
header:

This record is a partial extract of the original cable. The full text of the original cable is not available.

----- header ends -----

S E C R E T SECTION 01 OF 02 BOGOTA 009526

SIPDIS

NOFORN

STATE PLEASE PASS TO USTR - CLATANOFF AND HARMAN
GENEVA FOR CHAMBERLIN
LABOR FOR ILAB - JORGE PEREZ-LOPEZ

E.O. 12958: DECL: 09/20/2014
TAGS: [ELAB](#) [PHUM](#) [PGOV](#) [ETRD](#) [PTER](#) [KJUS](#) [CO](#) [ILO](#)
SUBJECT: FISCALIA ISSUES PREVENTIVE DETENTION ORDERS IN
ARAUCA CASE

REF: A. BOGOTA 7901

[1](#)B. BOGOTA 8193

Classified By: Charge d'Affaires Milton K. Drucker for
reasons 1.4 (b) and (d).

Summary

[1](#)1. (S/NF) On September 16, the Office of the Prosecutor General ("Fiscalia") issued preventive detention orders against one officer, two enlisted men, and a civilian informant in the ongoing investigation of the killing of three trade unionists on August 5. The three soldiers had been in Fiscalia custody since September 7, following a preliminary investigation that led officials to conclude the deceased labor leaders were executed, rather than killed in a firefight as the soldiers had claimed. A reinserted National Liberation Army (ELN) guerrilla who acted as an informant in the case was taken into custody on September 11. It appears that the trials of all four will take place in civilian court. The three soldiers were part of a vetted cavalry squadron in Saravena, Arauca Department, attached to the Colombian Army's (COLAR) 18th Brigade. The Ministry of Defense believes all three of the accused received some form of instruction from U.S. Special Forces trainers. Because the 18th Brigade has cooperated fully with the Fiscalia's investigation and turned over the alleged offenders, post believes the Brigade has so far complied with Leahy Amendment conditions. End Summary.

Three Military and Informant Detained

[1](#)2. (U) On September 16, the Prosecutor General's Office ("Fiscalia") ordered the preventive detention of Lieutenant Juan Pablo Ordóñez Canon and two enlisted soldiers -- Oscar Saul Tuta Hernández Suárez and Jhon Alejandro Hernández Suárez -- assigned to the Reveiz Pizarro Cavalry Battalion based in Saravena, Arauca Department. The cavalry battalion is part of the Colombian Army's (COLAR) 18th Brigade, which is headquartered in Arauca City. The Fiscalia charged the three soldiers with murder after a forensic examination indicated that three trade unionists -- Jorge Prieto, Leonel Goyeneche, and Hector Alirio Martínez -- allegedly killed by the soldiers in a firefight on the morning of August 5 (ref A) were probably executed. In addition to reporting a firefight, the soldiers claimed the trade unionists were in possession of two pistols, dynamite, and detonating cord. The Fiscalia issued arrest warrants for the three labor leaders in 2003 for alleged collaboration with the National Liberation Army (ELN). The three soldiers have been in Fiscalia custody since September 7, when they were detained based on warrants issued the previous day. The Fiscalia has also ordered the detention of a reinserted ELN guerrilla who reportedly led the soldiers to the home outside Saravena where the trade unionists were staying.

Fiscalia Actions Satisfy NGOs, Unions

[1](#)3. (C) The preventive detention orders, which formally link

the three accused soldiers to the alleged crime, suggest that the case will be heard by the civilian criminal justice system, rather than by the military penal justice system. Fiscalía officials have said both publicly and privately that they expect the case to be tried in civilian court. In a recent conversation with the Embassy, Elba Beatriz Silva, director of the Fiscalía's Human Rights Unit, told us the military has not asked for jurisdiction in the case and that the 18th Brigade has cooperated fully with the Fiscalía's investigation. Silva said that Prosecutor General ("Fiscal General") Luis Osorio sent civilian human rights prosecutors to Saravena on his official jet to take charge of the case the day after the killings. From the outset, NGOs and labor unions disputed the soldiers' version of events, stating that several witnesses reported that the trade unionists were extrajudicially executed (ref B). On September 6, Deputy Prosecutor General Luis Alberto Santana publicly confirmed these allegations, stating, "The evidence shows a homicide was committed. We have ruled out that there was combat." Reaction from NGOs and labor unions has been overwhelmingly positive. According to Carlos Rodriguez, President of the United Workers Central (CUT), the Fiscalía's decision "breaks the cycle of impunity in Colombia." Silva told Emboffs that Vice-President Francisco Santos, who came out in defense of the soldiers shortly after the incident, admitted to her privately that he had spoken out of turn and would make no more public comments about the investigation.

Three Military Assigned to Vetted Unit

14. (S/NF) The Reveiz Pizarro Cavalry Battalion has been vetted to ensure that they have not committed human rights violations. Two platoons within the battalion have received training from Special Forces personnel stationed on the 18th Cavalry Squadron's base in Saravena. A third platoon is currently being trained. The Ministry of Defense believes all three of the accused received some form of training from Special Forces personnel. Special Forces training normally involves marksmanship, small unit tactics, and human rights. The Leahy Amendment requires vetted units to take steps to investigate and address allegations of human rights abuses. Because the 18th Brigade has cooperated fully with the Fiscalía's investigation and turned over the alleged offenders for prosecution, post believes the 18th Brigade has so far complied with this requirement.

DRUCKER

=====CABLE ENDS=====